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MESSAGE

OF HIS EXCELLENCY

JOSEPH E. BROWN,

TO THE LEGISLATURE OF THE STATE OF GEORGIA,

CONVENED IN EXTRA SESSION,

AT

MACON, GEORGIA,

February 15th, 1865.

EXECUTIVE DEPARTMENT,
MACON, GA., FEB. 15th. 1865.

To the Senate and House of Representatives:

Since your adjournment in November, the army of invasion led by a bold and skillful General, have passed through our State, laid waste our fields, burned many dwelling houses, destroyed county records, applied the torch to gin-houses, cotton, and other property, occupied and desecrated the capitol, and now hold the city of Savannah, which gives them a water base from which they may in future operate upon the interior of the State.

The army of Tennessee, which contained a large number of Georgia troops, and was relied on as the only barrier to Sherman's advance, the removal of which left Georgia at the mercy of the enemy, was ordered off beyond the Tennessee river upon a campaign which has terminated in disaster. In the midst of these misfortunes Georgia has been taunted by some of the public journals of other States because her people did not drive back and destroy the army of the ene-

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my. Those who do us this injustice fail to state the well known fact that of all the tens of thousands of veteran infantry, including most of the vigor and manhood of the State, which she had furnished for Confederate service, but a single regiment (the Georgia Regulars,) of about three hundred effective men, was permitted to be upon her soil during the march of General Sherman from her North-western border to the city of Savannah; and even that gallant regiment was kept upon one of our islands most of the time, and not permitted to unite with those who met the enemy. Nor were the places of our absent sons filled by troops from other States. One brigade of Confederate troops was sent by the President from North Carolina, which reached Georgia after her capital was in the possession of the enemy.

Thus abondoned to her fate and neglected by the Confederate authorities, the State was left to defend herself as best she could against a victorious army of nearly fifty thousand of the best trained veteran troops of the United States, with only the Georgia reserves and militia, consisting of a few thousand old men and boys, while her army of able-bodied gallant sons were held for the defence of other States, and denied the privilege to return and strike an honest blow for the protection of their homes, their property, their wives and their children.

While the Confederate reserves in other States have been but little of their time in the field on active duty, and the militia consisting of boys between sixteen and seventeen, and old men between fifty and sixty, and agriculturalists detailed by the Confederate Government, have not in most of the States been called out at all, the Confederate reserves, the reserve militia, the detailed men, the exempts from Confederate service, and most of the State officers, civil as well as military, have in this State been kept in the field almost constantly for the last eight months.

These troops of classes not ordered out elsewhere were placed under the control of the Confederate General commanding the department, and have participated in every important fight from Kennesaw in this State to Grahamville or Honey Hill in South Carolina. The important victory at the latter place was achieved by the Georgia militia, the Georgia reserves, the Georgia State line, the Forty-seventh Georgia Regiment, and a very small number of South Carolinians, all commanded by that able and accomplished officer, Major General G. W Smith, of the Georgia militia. As I have seen no Confederate official account of this important engagement, which gives the credit where it is justly due, I mention these facts as part of the history of our State.

If all the sons of Georgia under arms in other States, of which nearly fifty regiments were in Virginia, besides those in the Carolinas, Florida and Tennessee, had been permitted

to meet the foe upon her own soil, without other assistance, General Sherman's army could never have passed from her mountains to her seaboard, and destroyed their property and their homes. He had nearly four hundred miles to march over an enemy's country; he was entirely dependent upon the wagon train which he carried with him for a supply of ammunition, without the possibility of replenishing after what he had was consumed. Had he been resisted from the start by a competent force, and compelled to fight, his ordnance stores must soon have been exhausted, and he forced to an unconditional surrender. Such another opportunity to strike the enemy a stunning blow will not probably occur during the war. The destruction of this army would have re-inspired our people with hope, depressed the spirits of our enemies, and might have prepared the way speedily for the negotiation of an honorable peace. It could have been done by the Georgia troops if permitted. It should have been done at the expense, if necessary, of the evacuation of Richmond, and the use of Gen. Lee's whole army thrown rapidly into Georgia for that purpose. No one would regret more than I to see that city, which has been so long and so nobly defended, surrender to the enemy; but it must be admitted, since the devastation of the country beyond, that it is now only a strong out-post of little military importance, compared with the great interior. It must also be admitted that Richmond is rendered insecure by the successes of General Sherman in the interior, and the position he has gained in the rear of that and other strongholds, which were relied on for defence. If his unobstructed movement through Georgia must result in the loss of Richmond, how much better it would have been if we had given the evacuation of Richmond for the destruction of his army.

I have felt it my duty to refer to these facts in justice to my State, of which it may be safely said she has had a larger proportion of her white male population under arms for the last eight months, in defence of our cause, than any other State in the Confederacy. On account of the attachment of her people to the cause of State sovereignty and constitutional liberty, and their remonstrances against unjustifiable usurpations of power by the Confederate government, Georgia has been systematically if not wilfully misrepresented by government officials and organs, who give circulation to the most reckless and unjust comments upon the conduct of the people of the State and her government, without the magnanimity or common honesty to publish the facts when laid before them, which show their statements to be without any real foundation in fact. As an instance, I mention the fact that it has been industriously circulated that I, as Governor of the State, have kept fifteen

thousand men out of service under the exemption acts. I corrected this misrepresentation by a published statement, which showed that I had put into service classes of persons not ordered out in other States, and that the whole number of State officers in Georgia, who have been held by me under the legislation of the State to be exempt from military service, was only 1,450, of whom a large proportion are over military age. This correction was passed in silence by many who had given publicity to the groundless charge, which was intended to be injurious to the Governor of the State, to the persons exempted by her laws, and to the character of her people. I am satisfied, however, that impartial history will do justice to the government and people of Georgia, as well as to the conduct and motives of her assailants, who have stripped her of her strength and left her to the ravages of her foreign enemies.

THE MILITIA.

Experience has shown the necessity for amendments in our militia laws. The laws should be so changed as to provide for a separate organization of the old men over fifty years of age, under officers of their own number to be elected by them. All civil officers of the several counties now exempt from service should be made subject to militia duty in these organizations.

When organized the Reserve Militia of this class should be required to do all necessary police duty in their several counties, and to arrest and turn over to the proper authorities, all deserters from State or Confederate service, and all persons subject to State service, who do not immediately report for duty, when required by General Orders. On failure to discharge this duty faithfully and efficiently, the Governor should be authorized to order them into the field for active duty in place of those permitted by them to remain at home, who owe active service.

As the detail of the men over fifty years of age for this service at home, who were called out prior to the organization of part of the brigades, now in the field, has reduced them below the proper number of a brigade, and has left supernumerary officers, provision should be made for a reorganization by election of the Brigades, Regiments, Battalions and Companies now in service, reducing the number of organizations as may be proper, and the commissions of all not elected should be suspended and they be required to do service. This would make the organizations more effective. The militia under fifty years of age organized as above suggested should be known as the Active Militia.

A permanent General Court Martial should be established for the trial of deserters and other delinquents. This would secure the enforcement of discipline, and the execution of a few guilty persons, would stop desertion. The

militia organization completed upon this basis should be kept by the State during the war for the defence of her territory, and the execution of her laws, and should, in no case, be turned over to the unlimited control of the Confederate Government or any other power. Nor should it be sent out of the State unless it is for the protection of some part of our border, except in such cases of emergency as in the opinion of the Governor make it proper that Georgia give aid for a limited time to a sister State.

The Confederate Constitution authorizes the State to *keep troops* in time of war. This is a reserved right, the exercise of which by the State violates no right of the Confederate Government, and infringes upon no delegated powers; nor is the exercise of a plainly reserved right by the State a breach of faith either to the Confederacy or any sister State.

Our recent sad experience has shown the wisdom of the reservation. But for the troops kept by the State the city where you are now assembled would have been occupied, plundered and sacked by the enemy in their late march through the interior.

The constitution limits the State to no particular class or age. She may *keep* troops composed of any part of her citizens whom she may chose to organize. If we admit the constitutionality of conscription which authorizes Congress to conscribe our citizens to raise armies, that provision of the constitution must be construed with, and limited by, the reservation in the same instrument of the right of the State to keep troops in time of war. This would make the jurisdiction of the Confederate and State Governments concurrent over the arms-bearing population of the States in time of war. It follows in that case that the Government which first organizes and places the troops in actual service has a right to hold them as against the other. The State acted upon this rule in the organization of the two regiments of the State Line, composed of persons of all ages able to do service who volunteered. Her right to keep these troops has never been questioned by the Confederate Government, nor indeed can it be.

That portion of the militia organization not composed of Confederate exempts are generally of the most useful class of agriculturists, whose services at home during the more critical period of the crop, are indispensably necessary to the production of supplies.. Whenever these men can be spared from home they should be kept in service, if the emergency require it. But they should not be turned over to unlimited Confederate control to be carried away from the State permanently, to the ruin of her material and productive interests. So long as they faithfully discharge their duty when called out, the State should *keep* them, giving

them furloughs at such times as are necessary to secure their crops, if it can posibly be done. All who are absent without leave, when ordered out by the State, should be turned over to Confederate service for the war without regard to rank or age. This would stimulate them to prompt obedience to orders when called. The chief difficulty in the way of granting furloughs for limited periods when the troops could be spared, grows out of the fact that they often fail to respond promptly at the end of the time allowed them.

On the 30th of August last, when the militia under the command of Major-General G. W. Smith, were in the trenches around Atlanta, a very short time before the fall of the city, the President made a requisition upon me for them with all others that I might be able to organize. At the time the requisition was made these troops had been for months in active service with the Army of Tennessee, under the command of the General who controlled it. They had participated in several engagements—had acted with distinguished gallantry; and had been about forty days almost constantly under fire around the city. Rations were issued to them by order of the Confederate General in command—and he had promised that they should be paid as other troops in the Confederate service.

These troops were composed mostly of boys between sixteen and seventeen and old men between fifty and fifty-five years of age, who are not subject to service by the laws of Congress, in the army of the Confederacy. No law of Congress makes them in any way subject to the President's control. The statute of the State declares positively that they shall not be subject to any draft or compulsory process to fill any requisition made by the President of the Confederate States upon the Governor of the State. They were the last reserve force of the State able to do service. If they were turned over to Confederate control with no power on the part of the State to recall them, she would be left without any adequate force for the execution of her own laws.

The State had much more than filled every requisition made upon her in common with other States for troops. No call was made at the time upon the other States for troops of this class; nor had the other States ordered out and placed in service their militia of these ages.

It was quite clear that the requisition was not made for the purpose of getting the militia into service, for they were there at the time under the command of General Hood. Looking at all these facts I could not doubt that the President had other motives in making the call—and that the main object was to get them out of the control of the State, subject to his command, and to disband the State

organizations, and enable him to appoint the General and Field Officers to command them. This was the more evident from the fact that he required all within General Hood's department to report to him at Atlanta, and all those within the department of South Carolina and Georgia, to report to the commandant of that department, whose headquarters were then at Charleston. The line dividing these two departments cuts in two, not only General Smith's Division, but three out of four Brigades and a large proportion of the Regiments. If the requisition had been obeyed the organization would have been disbanded, and a large proportion of the militia, who were then under the fire of the enemy, defending Atlanta, would have been ordered off to report to General Jones at Charleston, when no enemy was pressing us upon the coast.

Under these circumstances, I felt it my duty to refuse to fill a requisition made by the President, without authority of law, for a class of troops which I could not turn over upon his requisition without a violation of a positive statute of the State, who were in service, acting gallantly at the time, under officers of distinguished merit, with a thorough organization, which must have been disbanded by my compliance with the President's demand, and the troops scattered at a most critical period in the defence of Atlanta.

I earnestly request the General Assembly to say, by resolution, whether my conduct in refusing to turn over the reserve militia, organized by the State for her own defence, is approved, or whether it shall yet be done, and the State stripped of her last strength, and left without a man to aid in the execution of her laws, and to strike a blow in her defence when Confederate aid is withdrawn, and the enemy devastating her fields, towns and cities.

THE GEORGIA MILITARY INSTITUTE.

The number of cadets in this institution has been considerably increased.

Upon the advance of Sherman's army the battalion of cadets was ordered into active service. At the Oconee bridge and other places where they met the enemy they acted with distinguished gallantry. The State has much reason to be proud of this gallant young corps.

I must not omit to mention with my warmest approbation the conduct of the State Scouts under Captain Talbot, who has shown himself to be a gallant, fearless leader.

Pruden's Artillery and the other troops of Major Caper's battalion, are also entitled to honorable notice. This whole battalion under its chivalrous leader, in presence of Adjutant and Inspector General Wayne, who accompanied them during the campaign from Gordon to Savannah and thence to Augusta, discharged their duty energetically and faith-

fully. The report of General Wayne will be laid before the Military Committee of the two Houses upon application.

MILITARY APPROPRIATION.

I beg leave again most respectfully to invite the attention of the General Assembly to that part of my late annual message which relates to the military appropriation. The sum appropriated will be wholly inadequate. If it is not increased, I shall be under the unpleasant necessity, so soon as it is exhausted, which will be in a short time, of again convening you to supply the deficiency. We can not conduct the operations of war without money.

IMPRESSMENTS.

I beg leave to call the attention of the Legislature to the necessity for the passage of a law authorizing the impressment of provisions in the hands of persons under bonds to the Confederate Government, or others who refuse to sell their surplus at market value for the use of indigent soldiers' families, and of persons who are left destitute by the ravages of the enemy, or of our own cavalry, who receive aid from the State, under the legislation enacted for that purpose. The cases are very rare where it would be necessary to resort to impressment if the people were left free to sell their surplus in the market; but they are denied that privilege by the Confederate Government, having been compelled to give bond to sell all their surplus to its agents at schedule prices, which are far below market value. These persons would gladly sell to State or county agents, but they are threatened with a revocation of their details, and with immediate compulsion to enter service if they do so. The State should never submit to be driven out of her own markets and denied the privilege of purchasing from her own citizens by the act of any other government or power. I therefore recommend the passage of a law authorizing the Justices of the Inferior Court of each county, with the consent or order of the Governor, to impress provisions in their respective counties, for soldiers' families and indigent refugees, when, from the cause above mentioned, it may be necessary to enable them to procure the supplies required for that purpose; and also authorizing the Quartermaster General and Commissary General of the State to make similar impressments, with the like order, for their respective departments.

The act should provide, in case of such impressments, for a fair valuation of the property impressed, and for payment of market value as just compensation to the owner. Without the passage of this act, it will be impossible for the State and county agents, within the limits of the State, to purchase the supplies which are indispensable.

The appropriation of money will avail nothing if the

Confederate agents can lock the cribs and smoke-houses of the people of the State against her purchasing agents. I have been unable, under the late appropriation, to supply the demands of those in great distress, for want of this law. If it is not passed, a great deal of suffering will be the inevitable result.

PENITENTIARY.

The enemy having destroyed the workshops, cell buildings, &c., of this Institution by fire, it will cost a very heavy appropriation, probably one million of dollars, in currency, to rebuild it. From seven years close observation, I am satisfied the Institution does not serve the objects for which it was created. It does not seem to be, as its name imports, a place of penitence; it is certainly not a place of reformation, but is rather a school for theft, lawlessness and villany, where those more hardened in crime act as teachers of those who are younger and of less experience. Honest men who, in the heat of passion, commit crime which consigns them, under our present laws, to this den of thieves, generally come out corrupted and contaminated.

In view of the above facts, I recommend that the Penitentiary be abolished as soon as it can legally be done, and that other modes of punishment, such as hanging, whipping, branding, &c., be substituted. The South Carolina code, it is believed, would furnish a safe guide for our legislation on this subject. I know of no State in which the criminal laws are more faithfully executed, or in which less crime is committed.

In accordance with the request of the General Assembly before your late adjournment, I offered pardon to all the convicts who were not of the worst class, who would volunteer to enter the military service, making the pardon conditional on the faithful discharge of their duties as soldiers. This was accepted by nearly all to whom it was tendered. They organized into a company and did good service at the Oconee River, where they met the enemy and acted gallantly. I regret to learn, however, that over half of them have since deserted. These will be subject to serve out their time when they can be arrested. There are also several life convicts now within the walls; to keep these and such as may be hereafter sentenced for crime committed before the change of the mode of punishment, it will be necessary to rebuild so far as to provide accommodations and work shops for a limited number. One hundred thousand dollars in currency may be sufficient to do this.

In this connection I will further remark that the exigencies of the times, in my opinion, require such amendments in the penal code as will make Death the punishment of robbery, burglary and horse stealing. To prevent our people from taking the execution of the law into their own

bands, I recommend that the law be so changed as to authorize the Judges of the Superior Courts to call extra sessions of their respective courts, whenever it is, in their opinion, necessary for the speedy trial of offenders. As many of the jails are insecure, and as robber bands often rescue their companions in crime, the present provisions for the trial of criminals are too tardy for the vindication of public justice. Whipping should be the punishment inflicted upon those who are convicted of illegal traffic with slaves.

ARMING THE SLAVES.

The administration, by its unfortunate policy, having wasted our strength and reduced our armies, and being unable to get freemen into the field as conscripts, and unwilling to accept them in organizations with officers of their own choice, will, it is believed, soon resort to the policy of filling them up by the conscription of slaves.

I am satisfied that we may profitably use slave labor, so far as it can be spared from agriculture, to do menial service in connection with the army, and thereby enable more free white men to take up arms; but I am quite sure any attempt to arm the slaves will be a great error. If we expect to continue the war successfully, we are obliged to have the labor of most of them in the production of provisions.

But if this difficulty were surmounted, we can not rely upon them as soldiers. They are now quietly serving us at home, because they do not wish to go into the army, and they fear, if they leave us, the enemy will put them there. If we compel them to take up arms, their whole feeling and conduct will change, and they will leave us by thousands. A single proclamation by President Lincoln—that all who will desert us after they are forced into service, and go over to him, shall have their freedom, be taken out of the army, and permitted to go into the country in his possession, and receive wages for their labor—would disband them by brigades. Whatever may be our opinion of their normal condition or their true interest, we can not expect them, if they remain with us, to perform deeds of heroic valor, when they are fighting to continue the enslavement of their wives and children. It is not reasonable for us to demand it of them, and we have little cause to expect the blessings of Heaven upon our efforts if we compel them to perform such a task.

If we are right and Providence designed them for slavery, He did not intend that they should be a military people. Whenever we establish the fact that they are a military race, we destroy our whole theory that they are unfit to be free.

But it is said we should give them their freedom in case of their fidelity to our cause in the field; in other words, that we should give up slavery, as well as our personal liberty and State sovereignty, for independence, and should set

all our slaves free if they will aid us to achieve it. If we are ready to give up slavery, I am satisfied we can make it the consideration for a better trade than to give it for the uncertain aid which they might afford us in the military field. When we arm the slaves, we abandon slavery. We can never again govern them as slaves, and make the institution profitable to ourselves or to them, after tens of thousands of them have been taught the use of arms, and spent years in the indolent indulgencies of camp life.

If the General Assembly should adopt my recommendation hereinafter contained for the call of a Convention, I would suggest that this too would be a subject deserving its serious consideration and decided action.

It can never be admitted by the State that the Confederate Government has any power directly or indirectly to abolish slavery. The provision in the Constitution which by implication authorizes the Confederate Government to take private property for public use only authorizes the *use* of the property during the existence of the emergency which justifies the *taking*. To illustrate: In time of war it may be necessary for the Government to take from a citizen a business house to hold commissary stores. This it may do (if a suitable one cannot be had by contract) on payment to the owner of just compensation for the use of the house. But this *taking* cannot change the title of the land, and vest it in the government. Whenever the emergency has passed, the Government can no longer legally hold the house, but is bound to return it to the owner. So the Government may impress slaves to do the labor of servants, as to fortify a city, if it cannot obtain them by contract, and it is bound to pay the owner just hire for the time it uses them. But the impressment can vest no title to the slave in the Government for a longer period than the emergency requires the labor. It has not the shadow of right to impress and pay for a slave to set him free. The moment it ceases to *need* his labor the *use* reverts to the owner who has the *title*. If we admit the right of the Government to impress and pay for slaves to free them we concede its power to abolish slavery, and change our domestic institutions at its pleasure, and to tax us to raise the money for that purpose. I am not aware of the advocacy of such a monstrous doctrine in the old Congress by any one of the more rational class of abolitionists. It certainly never found an advocate in any Southern statesman.

No slave can ever be liberated by the Confederate Government without the consent of the States. No such consent can ever be given by this State without a previous alteration of her Constitution. And no such alteration can be made without a convention of her people.

As I feel that I should act the part of an unfaithful sentinel upon the watch tower if I should flatter the country with delusive hopes candor compels me to say that all is not well. That the people may be aroused to the necessary effort to avert calamity, it is important that they should know and appreciate their true condition. I tell them, therefore, that the whole body politic is diseased, and unless active remedies are administered speedily, that dissolution and death must be the inevitable result.

Our constitution has been violated and trampled under foot, and the rights and sovereignty of the States, which had been disregarded by the Government of the United States, which formed with slavery the very foundation of the movement that brought into being the Confederate Government, have been prostrated and almost destroyed by Confederate congressional encroachment and executive usurpation.

The resolutions of the General Assembly of this State protesting against these usurpations and abuses have been unheeded and laid aside without even the courtesy of a reply.

Direct taxes of enormous burden have been levied by Congress, without the census or enumeration imperatively required by the constitution, which operate upon the people of this and other States, but have no operation upon the people of Missouri or Kentucky, who are represented equally with Georgia in the Congress by which they are imposed.

Much of our most objectionable legislation is fastened upon us by the votes of representatives who, however patriotic and true to our cause, act without responsibility to any constituency, out of the army, who can be affected thereby, and who can neither visit with safety, nor show themselves publicly among the people whom they profess to represent, a majority of whom have given the strongest evidences of sympathy and support to the Government of the United States, and have been constantly represented in the Congress of those States.

Impressments of private property for public use, which are often necessary and proper, have been carried to an extent which is tyrannical and oppressive in the extreme. Instead of purchase as the rule and impressment the exception, the whole property of our people is placed under the control of impressment agents, who refuse to pay "just compensation," as required by the constitution, or even half the market value, and who pay in certificates which the government refuses to receive in payment of public dues.

By a pretended conscription, not authorized by the constitution, the government has placed our agriculturalists under heavy bonds to sell to it at the impressment prices

fixed by its agents, and denies to them the privilege to sell the fruits of their labor in open market, or to exchange them for other commodities which are necessary to the support of themselves and their families.

The Government disregards that provision of the Constitution which prohibits Congress from making any appropriation of money for a longer term than two years to support the armies of the Confederacy, and as a means of perpetuating the war beyond the period of the existence of the present Congress, without the assent of the people in the next elections, it proposes to pledge the tithe of the more valuable annual productions of the agricultural class of our people, who are selected for the burden, for years to come for that purpose, and to continue the pledge of the incomes of this particular class after the termination of the war, for the payment of the Treasury notes issued for the support of the armies during its existence. Few of this class make more than a tithe as net profits. In the estimate of the Secretary of the Treasury in which he sets down the incomes of this class at about fifty per cent. he fails to allow any credit for the vast expense of production. He estimates gross and not net incomes, and in this way shows the incomes of the planter to be much greater than those of the banker or money-holder, whose interest and dividends cost none of the labor and expense of production incurred by the planter.

Citizens who belong neither to the land nor naval forces of the government, or to the militia in actual service, are arrested by provost guards and government detectives, under charges of treason or other indictable offences, or disloyalty, without warrant or other process from the courts, and imprisoned at the pleasure of the government in open disregard of the constitution, which declares that no such person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, nor be deprived of life, liberty or property, without due process of law, and that no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the persons or things to be seized.

Good and loyal citizens, who travel on railroads or steamboats, or through towns and cities, upon lawful business, are arrested if they fail to carry passes, while federal spies procure or forge passes, and travel over our thoroughfares at their pleasure.

In many parts of the Confederacy, not in possession of the enemy, the government has ceased to protect either life or property, and its own soldiers, who have left the front without discipline or control, often, united with others professing to be in service and wearing the dress of the soldier, are passing over the country in numerous bands, robbing our citizens and destroying their property.

While the old men and boys of this State, leaving important home-interests to suffer, have been obliged to take up arms to resist the enemy, thousands of young able-bodied men of this and other States, between eighteen and forty-five years of age, are protected by Confederate authority, on account of their wealth or other influence, from service in the field, and under pretext of some nominal employment for the government, are allowed to remain out of the reach of danger, and devote most of their time to their speculations or other individual pursuits.

Our financial affairs have been so unfortunately administered that our currency is worth very little in the market; and our public faith has been so frequently and wilfully violated that it will be with great difficulty that we can re-inspire our people with confidence in the pledges of the government. It is announced as the future policy of the financial department to issue no more Treasury notes, and to receive nothing else in payment of public dues till the quantity is reduced to healthy circulation. This would be beneficial to the holders of the notes. As the armies are to be supported, however, at a cost of hundreds of millions of dollars per annum, the announcement leaves no doubt that it is to be done in a great measure by seizing property and paying for it in certificates or bonds which will not pass as currency or in payment of taxes. This would be little better than legalized robbery, and if practiced long by any government will drive the people to revolution as the only means left of throwing off intolerable burdens.

By its effort to grasp absolute power, the Confederate administration has greatly weakened our armies; and results have shown its utter inability, with all the power placed in its hands, to recruit and fill them up to a number sufficient to meet the emergency.

So fatal have been the results of our wretched conscription policy, which, however well adapted to control European serfs, or those raised to be slaves of power, is so repugnant to the feelings and spirit of a free people, that it has driven our men in despair to delinquency and desertion, till the President has informed the country in his Macon speech, as reported, that two-thirds of those who compose our armies are absent, most of them without leave. If this be true, it shows a lamentable want of patriotism and courage on the part of the people, or an unwise and injudicious policy on the part of the administration, which imperils the very existence of the Confederacy, and calls for prompt and energetic action on the part of the people to compel a change of policy, which, if longer persisted in, must result in utter ruin.

If a planter who has one hundred faithful, trustworthy hands upon his farm should employ an overseer to manage it, and should visit it at a critical period of the crop, and

find that two-thirds of his hands are, and for a considerable time have been absent, and that the crop is being lost on that account, he would doubtless decide that the policy of the overseer was ruinous to his interest, and dismiss him without hesitation. The people of this Confederacy have employed an agent to conduct for them a war for the dearest rights of freedom, and have placed at his command, subject to the restraints thrown around him by the constitutional charter, and the great principles of personal liberty which lie at the foundation of free government, hundreds of thousands of as gallant self-sacrificing citizen-soldiers as ever took up arms in a righteous cause. He has adopted a policy which has ignored personal liberty and the rights of citizen soldiers to go to the field in organizations and under officers of their own choice, who have their respect and confidence. The result has been as our agent tells us, that two-thirds of these soldiers are absent, the larger portion without leave, at a time when their absence endangers our existence as a people. What then is the duty of the people of these States? The answer is plain. They should compel their agent to change his policy which treats free citizen soldiers fighting for liberty as serfs, and to observe the great principles for which we took up arms, or they should resume the military powers with which they have clothed him, and place them in other hands where they will be used as well for the protection of the rights and liberties of the citizen as for the achievement of the independence of the Confederacy. Without this change of policy the armies cannot be recruited to the necessary number and both liberty and independence are lost together.

This ruinous policy of the administration finds no justification in the constitution of the country. From the organization of the Government of the United States to the disruption of the Union, the uniform practice was to call upon the States, when more troops than the regular army were needed, to furnish them organized ready for service. This they could readily do, as all the machinery of the State Government could be brought to bear to bring them out. Instead of enrolling officers of the central government imported among them, whom they knew not and who were not in sympathy with them, all the militia officers and civil officers of the counties who are their neighbors and friends, and whom they are accustomed to respect and obey, could be charged with the duty of aiding in the organization. Not only so, but they were permitted to go under officers of their own neighborhoods usually elected by them, and to go with their own neighbors and relatives as their associates and companions in arms. This was not only the practical and successful mode, but it was the constitutional one. That instrument declares that Congress shall have

power to provide for organizing, arming and disciplining the militia, and for governing such *part* of them as may be employed in the service of the Confederate States; *reserving to the States respectively the appointment of the officers*, and the authority of training the militia according to the discipline prescribed by Congress.

Pending the consideration of this paragraph in the Convention which formed the Constitution of the United States, Mr. Madison moved to amend it by inserting after the words "reserving to the States respectively the appointment of the officers," the words "under the rank of General officers." This amendment, if adopted, would have left the States to appoint all officers under the rank of General, and the Federal Government to appoint the Generals. But so jealous were the States of the power and patronage which this would have given to the Federal Executive, that they rejected it by the vote of all the States except two; and reserved to the States the appointment of *all* the officers to command the militia, when employed in the service of the United States. And lest there should be a question about who is meant by the *militia* to be commanded by officers appointed by the States, when employed in the service of the Confederate States, the Constitution has solved that doubt. It says:

"A well regulated *militia* being necessary to the security of a free State, the right of the *people* to keep and bear arms shall not be infringed." Hence it is plain that the word *militia* and the word *people* mean the same, apply to the same persons, and are used as synonomous terms. It is clear, therefore, that the States have carefully reserved the appointment of the officers to command their arms-bearing people, when employed in the service of the Confederate States.

If the President had adhered to this mode of raising troops, as Mr. Madison, who was a prominent member of the Convention which framed the Constitution, did in the war of 1812, his patronage in the army would have been small. If, on the other hand, the constitutional mode were laid aside, and conscription adopted in lieu of it, giving him the appointment of all the officers, his patronage was immense.

It is said about six hundred regiments, or enough of organized troops to make that number, have been received into Confederate service from all the States. Each regiment has ten companies, and each company four commissioned officers, or forty company officers to each regiment, making *twenty-four thousand* company officers. Add to this 600 Colonels, and as many Lieut. Colonels, Majors, Adjutants, Quartermasters and Commissaries, (as the law then stood,) together with all Chaplains, Surgeons, Brigadier

Generals, Major Generals, Lieutenant Generals; with all the Post Quartermasters, Commissaries, Commandants, Adjutants, Marshals, &c., &c., and the conscript act made about 30,000 officers dependent upon the President's will for promotion. Thus, in violation of the Constitution, the President was substituted for the States, and, like the King of England, made the foundation of all honor.

To carry out this new policy of allowing the President to appoint the officers, it became necessary to refuse longer to receive troops in organized bodies with their officers, but each must be conscribed and sent into service under such officers as the President might appoint. This separated kindred and friends and neighbors, while in service. It destroyed the individuality and patriotic ardor of our people, each of whom, prior to that time, felt that as a freeman he was part of the Government, and that it was his war. But so soon as this policy was adopted, he felt that it was the Government's war, and that he was no longer a freeman, but the slave of absolute power. This was not the freedom he set out to fight for, and thousands of men, rather than submit to it and remain in service, feeling that they wore the collar of power upon their necks, have left the army without leave. Hence the President's complaint, the cause of which has been the necessary result of his own policy. He has mistaken the genius and spirit of our people, and the material of which his armies are composed. The high-toned, spirited Southern man will revolt when you attempt to reduce him to an automaton of power.

Prior to the passage of this fatal act, men taxed their ingenuity to devise plans to induce the President to receive them into service. So soon, however, as the act was passed, which denied them the right in future to form their organizations, and enter service as willing freemen, with their neighbors and friends, and gave the President the power to seize them and appoint their officers, the whole feeling was changed, and men have resorted to every imaginable shift to keep out of the service.

The excuse that conscription was necessary to keep the twelve months men in service, or to fill their places cannot avail.

The President knew, months before, when the term of these men would expire, and made no effort to organize troops to take their places. A bill was introduced into the Provisional Congress by a distinguished Georgian, but a short time before its expiration in February, 1862, authorizing the President to call forth the militia to any extent necessary, by requisitions upon the States; and to call for them for three years, at his discretion. This would have left the appointment of the officers with the States, where the Constitution leaves it. The influence of the President

was actively used to defeat this bill, on the ground that he did not need the law, as he had more troops tendered than he could accept and arm. Early in April following, he called for the conscript act, on the ground of necessity, to fill up the army, and the bill was passed giving him the patronage and power above mentioned. If conscription had been necessary to keep the twelve months men in service till their places could be filled, that afforded no reason why the act should have embraced the whole population of the Confederacy within military age. A special act applicable only to the twelve months men, for a short period, till troops could have been furnished by the States to take their places, would have met that necessity. This, however, would not have given the President the appointment of the officers for all the troops to be organized. His *neglect* to call upon the States for troops to fill the places of the twelve months men, was made the occasion for vesting immense power and patronage in him, and fastening conscription, with all its evils, upon the country.

The President has been as unfortunate in his generalship, planning military campaigns, as he has in his policy of recruiting his armies. All remember his first appearance on the field as Commander-in-Chief at the close of the battle of first Manassas, when (if reports are reliable) he prevented our Generals from taking advantage of the complete demoralization of the Federal army, to march upon Washington City, when it must have fallen into our hands with little resistance. He visited the army in Middle Tennessee, and divided it, sending part of it to Mississippi too late to accomplish any good results there, and left General Bragg so weak, that he was forced to evacuate Tennessee, which, together with Vicksburg, fell into the hands of the enemy. He again appeared upon the field at Missionary Ridge, and divided the army, when a superior force was massed in its front. General Longstreet's corps was sent into East Tennessee. General Grant waited till he was out of reach, when he fell upon the remnant of Bragg's army and drove it back into Georgia, opening the way for the advance into this State, and then sent troops and drove Longstreet out of East Tennessee, and made himself master of that invaluable stronghold of the Confederacy.

The President's last appearance upon the field was with General Hood's army in this State, which was followed by the movement of that army into Tennessee. The country knows the result. Hood has been driven out of Tennessee with great calamity, and Georgia, which was left completely uncovered, has been destroyed by Sherman at his leisure.

Instead of rapid concentration of our armies at vital points, to strike the enemy stunning blows, our policy has been to divide and scatter our forces in the face of superior

numbers, and receive blows which have well nigh cost us our existence as a Confederacy.

Our people have endured this misrule with remarable forbearance and patriotism. But the time has come when we are obliged to deal with stern realities, and to look facts full in the face. We can no longer profit by hugging delusions to our bosoms. Our Government is now a military despotism when the privilege of the writ of *habeas corpus* is suspended, an object to which the President's earnest efforts are constantly directed. The tendency to anarchy is rapid and fearful.

The Lincoln dynasty informs us distinctly, that reconstruction or subjugation are the only alternatives to be presented to us.

The present policy, if persisted in, must terminate in reconstruction, either with or without subjugation. I accuse no supporter of the measures of the administration of any such design. But, entertaining the opinions which I do of its results, if I favored reconstruction or subjugation, to both of which I am utterly opposed, I would give an earnest support to the President's policy, as the surest mode of diminishing our armies, exhausting our resources, breaking the spirits of our people, and driving them in despair to seek refuge from a worse tyranny by placing themselves under the protection of a government which they loath and detest, because it has wronged and tyrannized over them, destroyed their property, and slaughtered their sons.

These are sad truths which it is exceedingly unpleasant to announce. But true Statesmanship requires that the ruler do the best that can be done for his people under all circumstances by which they are at the time surrounded. And the statesman who sees nothing but ruin in the pursuit of a line of policy and does not warn his countrymen against it, is unworthy the high trust confided to his care.

But you may ask, do I despair of the justice of our cause or of our ability to succeed. I answer emphatically, No. Bad as our policy has been, and much as we have wasted of men and means, we still have enough of both, if properly used, to continue the struggle till we achieve our independence and re-establish in these States constitutional liberty which has been for the time so completely crushed.

To enable us to do this the conscription act must be repealed, and the policy abandoned, and we must return to the constitutional mode of raising troops by the States. The States can not do this successfully while conscription is practiced, and they thwarted in their efforts by conflict or collision with Confederate officers. In a word the two systems can not work together.

Our armies, composed of the militia or arms-bearing people of the States, must be re-organized under officers ap-

pointed by the respective States as the Constitution directs. This would enable the States in the re-organization to put into the ranks all supernumerary officers, including the large number of Confederate enrolling officers, who without commands are now supported and paid by the government, and to displace such now in command of troops as are tyrannical and inefficient, and fill their places with those who have shown themselves competent, and who have the confidence of the troops to be commanded by them. The States in the re-organization of these troops could also put into service the large number of able-bodied young men within their limits, who now at home, hold appointments under the Confederacy which serve the purposes of protection, without reciprocal benefit to the common cause. In the same manner great numbers of absentees, deficient in neither patriotism nor gallantry, who have been driven out of the armies by the petty tyranny of subaltern officers appointed at Richmond to command them, could be brought back by the States under officers of their own choice, who would make excellent troops. Remove the shackles of bondage from the limbs of our troops, and let them feel that they are again freemen fighting in freedom's cause, and that the government stands by and maintains the great principles of constitutional liberty, and State Sovereignty, for which they took up arms, and they will re-enter the field with renewed hopes, determined to conquer an honorable peace or fill a soldier's grave.

We must return to the observance of good faith with our troops—pay them when their wages are due, and discharge them when their terms expire.

We must pass no more acts of repudiation of our government issues of currency. We must receive in payment of Confederate taxes all notes, bonds or certificates which persons are compelled by the government to take, in payment for property taken from them, by its impressment officers.

We must abandon the policy of supporting the armies by impressments or forcible seizures of property, and must adopt the policy of purchasing what we need, except in extreme cases which justify impressment, and then we must pay as the constitution requires *just compensation* for the property taken. This equalizes the burdens by dividing the whole among the entire number of tax-payers, in proportion to the amount of property owned by each.

Representation without constituency must no longer be allowed; nor must laws be dictated to us by the votes of representatives without accountability to those who share in the burdens imposed by the legislation enacted by them.

Secret sessions of Congress except in cases where legislation affecting the movements of our armies is pending, must be abandoned and the people must know as they *have a right*

to know, how their representatives act and vote upon all measures affecting their vital interests, their rights and their honor.

Discipline must be restored and enforced in our armies. One of the reasons given by its advocates for the enactment of the conscript law was that better discipline would be maintained by giving the appointment of the officers to the President. Results have shown the reverse to be true. Prior to the adoption of that plan, the officers selected by the troops themselves and appointed by the States, kept the men in the field, and we triumphed gloriously in almost ev ery engagement with the enemy. Since that time the officers appointed by the President have neither maintained discipline nor kept the men in the field. If the President's statement is reliable they have only one-third of them there. And I fear the discipline of that third is loose compared with that exhibited by the Federal army in its march through this State.

The President having failed in his military administration and brought the country to the verge of ruin by his military policy, should be relieved of that part of his duties, by an amendment of the Constitution to provide for the appointment of a Commander-in-Chief of the armies of the Confederacy, by the President, by and with the consent of two-thirds of the Senate, who shall be entirely free from the *control* of the President and removable only by the same power by which he was appointed. This would place the best military talent of the country in command of our armies, not in name only but in fact, and would save us in future from the heavy calamities which have befallen us by the capricious removal of a great commander, at a most critical juncture of an ably conducted defensive campaign.

The late act of Congress did not, and could not, take from the President his constitutional power as *Commander*-in-Chief. It provides for the appointment of a *General*-in-Chief. Robert E. Lee as *General*-in-Chief is as subject to the order of the President as he was before the act of Congress, and his appointment under it, and the President may at any moment frustrate his plans by orders which he is obliged to obey. Congress cannot divest the President of this power over all the Generals in Confederate service, including the *General*-in-Chief. This power is conferred by the Constitution and can only be taken away by an amendment of that instrument.

These changes may be made without the evils of revolution within revolution. The Constitution provides for its own amendment. The remedy is perfectly peaceful. It declares that: Upon the demand of any three States legally assembled in their several conventions, the Congress *shall* summon a convention of all the States to take into conside-

ration such amendments to the Constitution as the said States shall concur in suggesting, at the time when said demand is made.

It is perfectly legitimate and proper for three States to demand such convention, whenever in the opinion of their people the public good or the common safety requires it. In my opinion the best interest of the country requires that such convention meet with as little delay as possible, to propose such amendments to the Constitution, as will reform abuses by settling disputed points, and effect a speedy and thorough change of policy in conducting the war and filling up and sustaining our armies. I am not afraid to trust the people in convention. I therefore recommend the call of a convention of the people of this State for the purpose of proposing such amendments to the constitution as will relieve the President of his responsibility as Commander-in-Chief of the armies, and will provide for the appointment of a Commander-in-Chief in time of war, and to propose such other amendments and do such other acts, as will correct the abuses and afford remedies for the grievances hereinbefore stated.

I also recommend that this General Assembly appoint commissioners to each of the other States of the Confederacy, requesting them to assemble in Convention at an early day to demand of Congress the call of a Convention of all the States, for the purposes above specified.

The speedy adoption of this policy is in my judgment indispensable to the achievement of our independence, and the maintainance of the great principles of State Sovereignty and constitutional liberty which underlie the foundations of our federative system of government—gave being to our present confederation of States—and are absolutely necessary to the future prosperity and happiness of our people. By the construction placed upon the Constitution as it now stands, by those who administer the Confederate Government, these great principles have been disregarded, and the sovereignty of the States, and rights of the people, lost sight of in the struggle for independence.

The achievement of our independence seems to be the great end and only good aimed at by those who wield the power at Richmond. We have been told from the halls of Congress that courts must be closed, and *State lines obliterated*, if necessary to accomplish this object. Indeed, some persons in authority seem to have forgotten that we are fighting for anything but independence. If so the whole struggle is in vain, for we had that in the old government, which was our government, consecrated by the blood of our ancestors and transmitted from sire to son. We were independent of all other powers. But the people of the Northern States got control of that government, and so adminis-

tered it as to imperil not our independence but our *rights*. We then separated from them and are fighting for our *rights* and our *liberties*; and as a means of maintaining and securing those rights and liberties we declared our independence. Independence with these is worth all the sacrifices which we have made or can make. Our rights and liberties are not secondary to our independence, but our independence is only necessary to protect our rights and our liberties. Russia is independent of all the world, so is Turkey, while the government of each is a despotism; and the people have only the rights and liberties which the sovereign chooses to permit them to exercise. If this is the sort of independence for which we are fighting, our great sacrifices have been made to but little purpose. The recognition by foreign powers of the independence of our rulers and of their right to govern us, without the recognition of our rights and liberties by our rulers, is not worth the blood of the humblest citizen. We must gain more than this in the struggle or we have made a most unfortunate exchange. The further pursuit of our present policy not only endangers our rights and our liberties, but our independence also, by destroying the institutions and breaking the spirits of our people. Let us beware how we trifle with the rights, the liberties, and the happiness of millions.

I am aware that the freedom and plainness, which a sense of duty to my country has compelled me to exercise, in discussing the measures of the administration, and the policy of the government, may subject my motives to misconstruction. I feel the proud consciousness, however, that I have been actuated only by a desire to promote the cause so dear to every patriot's heart, and thereby secure the independence of the Confederacy, with the civil and religious liberties and constitutional rights of the people, without which independence is an empty name, and the glory and grandeur of our republican system is departed forever. No one can be more vitally interested than myself in the success of our cause. I have staked life, liberty, property, and the liberties of my posterity, upon the result. The enemy have burned my dwelling and other houses, destroyed my property, and shed in rich profusion the blood of nearest relatives. My destiny is linked with my country. If we succeed I am a freeman. But if by the obstinacy, weakness or misguided judgment of our rulers we fail, the same common ruin awaits me which awaits my countrymen. It is no time to conceal ideas in courtly phrase. The night is dark, the tempest howls, the ship is lashed with turbulent waves, the helmsman is steering to the whirlpool, our remonstrances are unheeded, and we must restrain him, or the crew must sink together submerged in irretrievable ruin.

JOSEPH E. BROWN.

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